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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/987, 995 12/10/97 SEYMOUR

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EXAMINER

PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD CT 06430-6232

MEHRPOUR, N

ART UNIT  PAPER NUMBER

2745

4

DATE MAILED:

08/17/99

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

## Office Action Summary

Application No. 08/987,995	Applicant(s) Seymour Bristol
Examiner Naghmeh Mehrpour	Group Art Unit 2745

Responsive to communication(s) filed on \_\_\_\_\_.

This action is FINAL.

Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

### Disposition of Claims

Claim(s) 1-11 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

Claim(s) \_\_\_\_\_ is/are allowed.

Claim(s) 1-11 is/are rejected.

Claim(s) \_\_\_\_\_ is/are objected to.

Claims \_\_\_\_\_ are subject to restriction or election requirement.

### Application Papers

See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

The proposed drawing correction, filed on \_\_\_\_\_ is  approved  disapproved.

The specification is objected to by the Examiner.

The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. § 119

Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

All  Some\*  None of the CERTIFIED copies of the priority documents have been

received.

received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_.

Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

### Attachment(s)

Notice of References Cited, PTO-892

Information Disclosure Statement(s), PTO-1449, Paper No(s). 4

Interview Summary, PTO-413

Notice of Draftsperson's Patent Drawing Review, PTO-948

Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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***Priority***

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Information Disclosure Statement***

2. The information disclosure statement filed reference listed in the information Disclosure submitted on 12/10/97 have been considered by the examiner (see attached PTO-1449).

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

4. Claims 1-3, 10-11 are rejected under 35 U.S.C. 102(e) as being anticipated by French (US Patent Number 5,760,690).

Regarding claims 1, 11, French teaches a portable electronic apparatus comprising:

a sensor for sensing the portable electronic apparatus coupled in intimate proximity to a rest, and

inhibiting means responsive to the sensor sensing absence of said intimate

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proximity to the rest for automatically inhibiting operation of the portable electronic apparatus (Column 2 lines 62-67, Column 3 lines 9-11).

Regarding claim 2, French teaches a Portable electronic apparatus wherein the sensor and locking means are operative for a power on mode of the portable electronic apparatus (Column 5 lines 37-43).

Regarding claim 3, French teaches a portable electronic apparatus wherein the inhibiting means is adapted to inhibit access to information stored in the portable electronic apparatus (Column 2 lines 17-21).

Regarding claim 10, French teaches a Portable electronic apparatus wherein operation of the portable electronic apparatus restorable responsive to a security code input to the portable electronic apparatus (Column 2 lines 10-14, Column 5 lines 15-18).

### *Claim Rejections - 35 USC § 103*

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 4-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over French (US Patent Number 5,760,690) in view of the admitted prior art.

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Regarding claim 4, French fails to teach that the Portable electronic apparatus wherein the portable electronic apparatus comprises a radio telephone. However the admitted prior art disclose the problem of unauthorized user of a radio telephone. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching the admitted prior art to French, in order to provide protection for the Cellular phone users.

Regarding claims 5-6, French as modifies by the admitted prior art discloses the inhibiting means. Therefore the user cannot make outgoing call, and inhibits access to subscriber identity information stored in the memory.

Regarding claim 7, French fails to teach a Portable electronic apparatus wherein the rest is a base unit. However the admitted prior art disclose a radio telephone and desk stand charger unit (Page 1). Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of the admitted prior art to French, so that the user does not have to replace a new battery.

Regarding claims 8-9, French fails to teach a Portable electronic apparatus wherein the sensor is adapted to sense the portable electronic apparatus coupled in intimate proximity to a base unit, and the base unit comprising charging unit to sense a charging voltage for charging the rechargeable power supply. However the admitted prior art teaches a base unit comprising a charger (See page 1) which contains the rechargeable battery. Therefore, it would have been obvious to ordinary skill in the art at the time the invention is made to provide the above teaching of the admitted prior art to French, so that the user does not have to replace a new abattery.

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***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

**Ha et al.** (US Patent Number 5,872,515) disclose laptop computer with an anti theft alarm function and a method of controlling the same

**Scholder** (US Patent Number 5,578,991) disclose security system and method for a portable personal computer

**Isikoff** (US Patent Number 5,748,084) disclose device security system

**Saji** (US Patent Number 5,479,489) disclose cordless telephone set having a warning representing that a storage battery is not being charged

9. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159. The examiner can normally be reached on Monday through Thursday (first week of bi-week) and Monday through Friday (second week of bi-week) from 6:30 a.m to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Reinhard Eisenzof, can be reached on (703)305-4711. The fax phone number for this Group is (703)305-9508.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)305-4700.

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*N M*

Aug 13, 1999

*Nguyen Vo*  
8/14/99

**NGUYEN VO**  
**PRIMARY EXAMINER**